

## **MINUTES**

### **MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** Chair David Howard, on February 22, 2017 at 3:00 PM, in Room 455  
Capitol

#### **ROLL CALL**

**Members Present:**

Sen. David Howard, Chair (R)  
Sen. Cary Smith, Vice Chair (R)  
Sen. Mary Caferro (D)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Frederick (Eric) Moore (R)  
Sen. Albert Olszewski (R)  
Sen. Diane Sands (D)  
Sen. Jason D. Small (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julie Emge, Committee Secretary  
Alexis Sandru, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SJ 19, 2/20/2017; SB 319, 2/20/2017; SB 321, 2/20/2017; SB 272, 2/20/2017; SB 320, 2/20/2017

Executive Action: SJ 19 - DO PASS AS AMENDED  
SB 319 - TABLE  
SB 321 - DO PASS AS AMENDED  
SB 272 - DO PASS  
SB 320 - TABLE  
SB 323 - TABLE

**HEARING ON SJ 19**

**Opening Statement by Sponsor:**

00:01:04 Sen. Mike Phillips (D), SD 31, opened the hearing on SJ 19, Resolution requesting removal of brucella abortus from federal list.

00:03:10 Sen. Moore entered the hearing.

**Proponents' Testimony:**

00:03:52 Kori Anderson, Montana Stockgrowers Association, Montana Cattle Women

00:05:33 Nicole Rolf, Montana Farm Bureau Federation

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:06:53 Sen. C. Smith

00:07:08 Sen. Phillips

00:07:29 Sen. C. Smith

00:07:52 Sen. Phillips

00:08:18 Sen. C. Smith

00:08:41 Sen. Phillips

00:08:47 Sen. C. Smith

**Closing by Sponsor:**

00:08:58 Sen.. Phillips

**HEARING ON SB 319**

**Opening Statement by Sponsor:**

00:09:45 Sen. Jen Gross (D), SD 25, opened the hearing on SB 319, Allow individuals to wear traditional regalia, objects of cultural significance.

**Proponents' Testimony:**

00:11:59 Sen. Frank Smith, SD 16

00:13:21 Alissa Snow, Western Native Voice (WNV)

00:16:02 Tajin Perez, Western Native Voice

00:19:02 Len TwoTeeth, vice chairman, Confederated Salish and Kootenai Tribal Council

00:20:34 Meg Singer, Indigenous Justice Outreach coordinator, ACLU Montana

00:23:06 Brianna Espino, representing herself

00:23:28 Sen. Mary Caferro, SD 41

00:24:02 Rep. Sharon Stewart Peregoy, HD 42

**EXHIBIT(phs39a01)**

00:27:42 Jules Shindel - Montana Human Rights Network

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:16 Sen. C. Smith  
00:29:34 Sen. Gross  
00:31:03 Sen. Moore  
00:31:53 Sen. Gross  
00:33:04 Chair Howard  
00:34:06 Sen. Gross  
00:35:11 Sen. C. Smith  
00:35:31 Sen. Gross  
00:35:49 Sen. C. Smith  
00:36:12 Ms. Snow, WNV  
00:36:39 Sen. C. Smith

**Closing by Sponsor:**

00:36:53 Sen. Gross

### **HEARING ON SB 321**

**Opening Statement by Sponsor:**

00:38:08 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 321, Revise laws concerning use of cadavers in medical and nursing education.

**Proponents' Testimony:**

00:41:10 Marti Wangen, executive director, Montana Podiatric Association  
00:41:51 Jean Branscum, chief executive officer, Montana Medical Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:42:29 Sen. Olszewski

**HEARING ON SB 272**

**Opening Statement by Sponsor:**

00:42:59 Sen. Roger Webb (R), SD 23, opened the hearing on SB 272, Revising laws related to assisted care facility licensing and mental health.

00:43:34 Sen. Sands entered the hearing.

**Proponents' Testimony:**

00:45:33 Nick Hart, Alzheimer's Association of Montana  
00:47:59 Matt Kuntz, executive director, National Alliance of Mental Illness Montana  
00:49:04 Dr. Richard Blank, retired physician, representing himself  
00:50:45 David Loewenwarter, dementia advocate, representing himself  
00:53:00 Lynn Mallowney-Cabrera, executive director, Alzheimer's Association  
00:56:26 Beth Brenneman, Disability Rights Montana  
00:58:47 Jackie Boyle, AARP Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:59:10 Sen. Sands  
01:00:05 Sen. Webb  
01:00:29 Sen. Sands

**Closing by Sponsor:**

01:00:48 Sen. Webb

**HEARING ON SB 320**

**Opening Statement by Sponsor:**

01:02:51 Sen. Diane Sands (D), SD 49, opened the hearing on SB 320, Generally revise laws related to gambling treatment.

**Proponents' Testimony:**

01:04:49 Aimee Grmoljez, Rimrock Foundation, Montana Addictive Service Providers  
[EXHIBIT\(phs39a02\)](#)  
[EXHIBIT\(phs39a03\)](#)

**Opponents' Testimony:**

01:08:05 Kimberly Gardner, licensed clinical social worker; licensed addictions counselor;  
associate clinical director, Intermountain

[EXHIBIT\(phs39a04\)](#)

01:11:38 Sen. Hinebauch entered the hearing.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:15:14 Sen. C. Smith

01:16:37 Ms. Gardner, Intermountain

01:17:23 Sen. C. Smith

01:17:29 Chair Howard

**Closing by Sponsor:**

01:17:49 Sen. Sands

**Committee Business:**

01:18:38 Chair Howard

01:18:57 Sen. Caferro

01:19:08 Chair Howard

**HEARING ON SB 323**

**Opening Statement by Sponsor:**

01:20:00 Sen. Mary Caferro (D), SD 41, opened the hearing on SB 323, Revise laws  
related to mental competency of persons accused of a crimes.

**Proponents' Testimony:**

01:20:42 Dr. Bowman Smelko, licensed psychologist, Board Certified Forensic Psychology

01:22:12 Matt Kuntz, executive director, National Alliance on Mental Illness - Montana

[EXHIBIT\(phs39a05\)](#)

[EXHIBIT\(phs39a06\)](#)

01:25:04 Beth Brenneman, Disability Rights Montana

**Opponents' Testimony:** None

**Informational Testimony:**

01:27:13 Zoe Barnard, Addictive and Mental Disorders Division, Department of Public  
Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

01:27:36 Sen. Sands  
01:27:58 Ms. Bernard, DPHHS  
01:28:06 Sen. Sands

**Closing by Sponsor:**

01:28:19 Sen. Caferro  
  
01:28:36 Recess  
01:49:24 Reconvened

**EXECUTIVE ACTION ON SJ 19**

01:50:10 **Motion:** Sen. C. Smith moved that **SJ 19 DO PASS.**

**Discussion:**

01:50:35 Sen. Moore  
01:50:37 Chair Howard  
01:50:38 Sen. Moore  
01:51:12 Alexis Sandru, Legislative Services Division

01:51:24 **Motion/Vote:** Sen. Moore moved that **SJ 19 BE AMENDED.** Motion carried unanimously by voice vote.

01:51:43 **Motion/Vote:** Sen. C. Smith moved that **SJ 19 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 319**

01:52:09 **Motion:** Sen. Gross moved that **SB 319 DO PASS.**

**Discussion:**

01:52:25 Sen. Gross  
01:52:45 Alexis Sandru, Legislative Services Division  
01:53:04 Sen. Gross

[\*\*EXHIBIT\(phs39a07\)\*\*](#)

[\*\*EXHIBIT\(phs39a08\)\*\*](#)

01:56:43 Sen. Sands  
01:57:02 Sen. Gross  
01:57:45 Sen. Moore  
01:59:00 Sen. C. Smith  
01:59:48 Sen. Small  
02:00:57 Sen. Gross  
02:01:54 Sen. C. Smith  
02:02:15 Sen. Sands

02:02:49 Sen. Gross  
02:04:07 Sen. Olszewski  
02:04:37 Sen. C. Smith  
02:05:22 Sen. Gross

02:06:08 **Vote:** Motion failed 4-5 by roll call vote with Sen. Caferro, Sen. Gross, Sen. Sands and Sen. Small voting aye.

02:06:59 **Motion/Vote:** Sen. Moore moved that **SB 319 BE TABLED AND THE VOTE REVERSED**. Motion carried 8-1 by roll call vote with Sen. Sands voting no.

Sen. Gross left the hearing.

**EXECUTIVE ACTION ON SB 321**

02:08:00 **Motion:** Sen. Olszewski moved that **SB 321 DO PASS**.

02:08:26 **Motion/Vote:** Sen. Olszewski moved that **SB 321 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

**EXHIBIT(phs39a09)**

02:09:15 **Motion/Vote:** Sen. Olszewski moved that **SB 321 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

Sen. Gross entered the hearing.

**EXECUTIVE ACTION ON SB 272**

02:09:51 **Motion:** Sen. C. Smith moved that **SB 272 DO PASS**.

**Discussion:**

02:10:16 Sen. Sands  
02:10:47 Sen. C. Smith  
02:11:25 Sen. Sands

02:11:57 **Vote:** Motion carried 8-1 by voice vote with Sen. Hinebauch voting no.

**EXECUTIVE ACTION ON SB 320**

02:12:31 Chair Howard

02:12:40 **Motion/Vote:** Sen. Sands moved that **SB 320 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 323**

02:13:12 **Motion:** Sen. Caferro moved that **SB 323 DO PASS**.

**Discussion:**

02:13:18 Chair Howard

02:13:25 Sen. Sands

02:14:01 Sen. Moore

02:14:11 Sen. Sands

02:14:13 Chair Howard

02:14:18 Sen. C. Smith

02:14:20 **Motion/Vote:** Sen. Sands moved that **SB 323 BE TABLED**. Motion carried 7-2 by roll call vote with Sen. Caferro and Sen. Gross voting no.

**ADJOURNMENT**

Adjournment: 5:16 PM

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Julie Emge, Secretary

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Additional Documents:

**EXHIBIT**([phs39aad.pdf](#))